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Docket No. ASP-16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Szu-Min Lin et al. Confirmation No.: 5267
Appln. No. : 09/802,326 Art Unit : 1744
Filed : March 8, 2001 Examiner : E.L. McKane
Title : METHOD AND APPARATUS FOR STERILIZING A LUMEN DEVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 20, 2004

(Date of Deposit)

Andrew C. Farmer

(Name of applicant, assignee, or Registered Representative)

(Signature)

May 20, 2004

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This paper is filed responsive to the Office Action mailed January 20, 2004. A petition for a one-month extension of time is enclosed herewith. Presently, claims 1 to 44 are pending in the application, with claims 17 to 44 being withdrawn from consideration. Claims 1 to 7 and 9 to 15 stand rejected under 35 U.S.C. §102(a) and 102(e) as being anticipated by the Kowanko U.S. Patent No. 6,162,395. Claims 1 to 4, 6, 8, 10, 11, 13 and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by the Fournier U.S. Patent No. 6,365,103. Applicants respectfully traverse the rejections and request reconsideration and reexamination of the application.

The Examiner has rejected the claims over two references which the Applicants respectfully submit are not in the prior art for the present application. The first reference

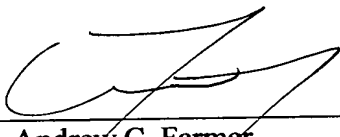
Serial No. 09/802,326

Kowanko issued December 19, 2000 upon an application filed August 17, 1998. The second reference Fournier, issued April 2, 2002 upon an application claiming priority to a Canadian application filed February 11, 2000. The present application claims priority back to U.S. Application 08/833,374 filed March 4, 1997, now U.S. Patent No. 5,961,921. Accordingly, the effective filing date of the present application precedes the effective filing date of these two references, thereby mooting the rejection.

Applicants respectfully submit that the application is presently in condition for allowance. Favorable reconsideration and early notice of allowance are earnestly solicited.

Respectfully submitted,

By: _____


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Dated: May 20, 2004